IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21605 of 2007(V)

PETITIONER:

P.RAGHAVANUNNI NAMBIAR, S/O. NARAYANAN NAIR, AGED 84 YEARS, RESIDING AT AYYAPATH GOKULAM, CHOVVANNUR, KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.R.JAYACHANDRAN

RESPONDENTS:
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1. THE COMMISSIONER, H R & C E DEPARTMENT, COLLECTORATE, KOZHIKODE.

2. THE ASSISTANT COMMISSIONER, HR & CE DEPARTMENT, MINI CIVIL STATION, TIRUR, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.P(C). NO. 21605 OF 2007

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Dated this the 16th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

Counsel appearing for the petitioner brought to our knowledge a Division Bench judgment of this court reported in **Raman Namboothiri v.Chief Commissioner, H.R & C.E. (2004(1) KLT 945)**, wherein it was held that the Commissioner can exercise the power under S.39(2) only after recording reasons and after giving due notice to the hereditary trustees and after conducting such enquiries as he may deem fit. The Commissioner would bear in mind those legal principles. Writ petition is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp